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Apple Inc.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

ASHLEY GJOVIK,

Plaintiff,

v.

APPLE INC.,

Defendant.

Case No. 23-cv-4597-EMC

**[PROPOSED] ORDER GRANTING
DEFENDANT APPLE INC.'S MOTION
TO STRIKE PLAINTIFF'S THIRD
AMENDED COMPLAINT**

Dept: Courtroom 5, 17th Floor
Judge: Honorable Edward M. Chen
Date: May 16, 2024
Time: 1:30 p.m.

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Pending before the Court is Defendant Apple, Inc.'s Motion to Strike Plaintiff's Third Amended Complaint pursuant to Federal Rule of Civil Procedure 12(f). Having considered the relevant papers and pleadings on file with the Court in this matter, as well as the arguments of counsel, the Court rules as follows:

Apple's motion to strike the following allegations because they are immaterial to any of Plaintiff's fifteen claims is GRANTED:

- TAC ¶¶8-9
- ¶13, lines 2-4 (starting with "Gjovik experienced severe harassment . . .")
- ¶¶14-17, 27, 39-40, 69-70, 91-96

Apple's motion to strike the following allegations because they relate to only those claims Apple seeks to dismiss is GRANTED:

- **RICO (Claim 1):**

- ¶1, lines 1-4 ("numerous federal laws that directly caused her injury, including the RACKETEER INFLUENCED AND CORRUPT ORGANIZATIONS ACT [18 U.S.C. § 96] (with predicate acts of wire fraud, mail fraud, securities fraud, witness intimidation, witness retaliation, and non-peaceful use of chemical weapons)")
- ¶¶4, 112, 165
- Prayer for Relief, subsection (b)

- **SOX (Claim 2):**

- ¶1, lines 4-5 ("SARBANES OXLEY ACT [18 U.S.C. § 1514A]")
- ¶¶2, 4, 166-71

- **Dodd-Frank (Claim 3):**

- ¶1, line 5 ("and DODD-FRANK ACT [15 U.S.C. § 78u-6(h)(1)(A)(iii)]")
- ¶2, 4, 172
- Prayer for Relief, subsection (b)

- **Private Nuisance related to the Superfund Site and Nuisance Per Se (Claim 4):**

- ¶174, line 2 ("and the employees who work inside Stewart 1")

- ¶175, line 8 (“and the Superfund site” and “both”)
- ¶¶176-78, 181-82
- **Ultrahazardous activities (Claim 5):**
 - ¶1, lines 6-7 (“several toxic torts including [] ultrahazardous activities”)
 - ¶¶24, 42-48, 183-86
- **California Bane Civil Rights Act (Claim 6):**
 - ¶¶97, 107-10, 187-96
 - Prayer for Relief, subsections (b) & (f)
- **California Ralph Civil Rights Act (Claim 7):**
 - ¶¶197-203
 - Prayer for Relief, subsections (b) & (f)
- **California Labor Code section 1102.5 (Claim 8):**
 - ¶1, lines 5-6 (“Additionally, Plaintiff alleges Apple violated several California Labor Codes, including § 1102.5”)
 - ¶¶204-12
- **Labor Code section 98.6 that is predicated on an alleged violation of Labor Code section 96(k) (Claim 9):**
 - ¶¶215-16
- **Contract-related claims (Claim 12):**
 - ¶¶234-37
- **IIED (Claim 13):**
 - ¶1, lines 7-9 (“Finally, Plaintiff also alleges Apple intentionally and negligently inflicted emotional distress upon her in the states of California and New York, and the Commonwealth of Massachusetts”)
 - ¶¶238-51
- **NIED (Claim 14):**
 - ¶252
- **Unfair Competition (Claim 15):**

1 o ¶¶253-61

2 o Prayer for Relief, subsection (o)

3 Accordingly, the Court **STRIKES** these allegations from the Third Amended Complaint.

4 **IT IS SO ORDERED**

5 Dated: _____

HON. EDWARD M. CHEN
U.S. DISTRICT COURT JUDGE